

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

HAROLD COLEMAN #1166498 §
v. § CIVIL ACTION NO. 6:05cv324
V.L. BRUMLEY, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Harold Coleman, proceeding *pro se*, filed this lawsuit complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Coleman complains that he was charged with theft even though he did not steal anything. As the Magistrate Judge observed, this is the third time that Coleman has filed the same lawsuit, with the previous two each being dismissed with prejudice. *See Coleman v. Brumley, et al.*, civil action no. 6:04cv284 (E.D.Tex.); *Coleman v. Brumley, et al.*, civil action no. 6:04cv289 (E.D.Tex.).

On September 28, 2005, the Magistrate Judge issued a Report recommending that this lawsuit be dismissed as frivolous and duplicative. Coleman filed objections to the Magistrate Judge's Report on October 5, 2005, but these objections simply reiterate the allegations of his complaint, saying that he did not commit theft and that he just wants to get on with his life. He did not address the substance of the Magistrate Judge's Report.

The Court has conducted a careful *de novo* review of the pleadings in this cause, including the original complaint, the Report of the Magistrate Judge, the Plaintiff's objections thereto, and all pleadings, documents, and records in the case. Upon such *de novo* review, the Court has concluded

that the Report of the Magistrate Judge is correct and that the Plaintiff's objections are without merit.

It is accordingly

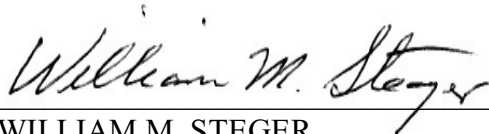
ORDERED that the Plaintiff's objections are overruled and the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice as frivolous and duplicative. It is further

ORDERED that the Plaintiff Harold Coleman is hereby WARNED that the further filing of frivolous actions, including but not limited to repeated civil rights lawsuits raising the same claim as presented herein, may lead to the imposition of sanctions, monetary or otherwise, pursuant to Rule 11, Fed. R. Civ. P. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

SIGNED this 21st day of October, 2005.

A handwritten signature in cursive script, reading "William M. Steger", written in black ink over a horizontal line.

WILLIAM M. STEGER
UNITED STATES DISTRICT JUDGE